

DIF

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.

★ FEB 22 2013 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE  
**ORDER**

-----X  
HILARY BEST,

Plaintiff,

**12-CV-6142 (NGG) (MDG)**

-against-

JENNIFER SCHECTER, KEVIN ROONEY,  
MYLES SCHNEIDER, ANKUR SARAIYA,  
MICHAEL HOGAN, ANN MARIE  
BARBAROTTA, MARIA LOURDES  
GONZALES, PHILIP NINAN,  
and YEVGENIY KHALDOAROV,

Defendants.

-----X  
NICHOLAS G. GARAUFIS, United States District Judge.

On January 10, 2013, the court denied Plaintiff's motion for a temporary restraining order seeking his release from Creedmoor Psychiatric Center ("Creedmoor"). (Jan. 10, 2013, Mem. & Order (Dkt. 9).) On February 7, 2013, the court denied Plaintiff's motion for reconsideration and again rejected his request for a temporary restraining order. (Feb. 7, 2013, Mem. & Order (Dkt. 23).) The court has received Plaintiff's letter dated February 15, 2013, which seeks reconsideration of these Orders. (See Feb. 15, 2013, Pl. Ltr. (Dkt. 27).) The court has also received Plaintiff's motion to amend the Complaint (Dkt. 16) and "amended motion" to amend the Complaint (Dkt. 18), which have been referred to Magistrate Judge Marilyn D. Go. (See Feb. 11, 2013, Order (Dkt. 29).)

In a related case, on January 4, 2013, the court denied Plaintiff's motion for a temporary restraining order that also sought his release from Creedmoor. See United States ex rel. Best v. Barbarotta, No. 12-CV-6218 (NGG), 2013 WL 66031 (E.D.N.Y. Jan. 4, 2013). On January 25,

2013, the court denied Plaintiff's motion to reconsider that decision. See United States ex rel. Best v. Barbarotta, No. 12-CV-6218 (NGG), 2013 WL 308972 (E.D.N.Y. Jan. 25, 2013).

Nonetheless, Plaintiff has called chambers nearly every day, asking the court's staff for constant updates on his case and requesting that the court reconsider its previous four decisions denying his request to be released from Creedmoor.<sup>1</sup> Plaintiff is hereby ORDERED not to contact the court by telephone any further. Plaintiff may only submit written correspondence addressed to the Clerk of the Court.

SO ORDERED.

Dated: Brooklyn, New York  
February 22, 2013

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS  
United States District Judge

---

<sup>1</sup> Plaintiff has left the court multiple voicemail messages arguing for reconsideration on the ground that that Younger abstention applies only to pending state criminal proceedings. He is mistaken. See, e.g., Ohio Civil Rights Comm'n v. Dayton Christian Sch., Inc., 477 U.S. 619, 626-27 (1986) ("We have applied the Younger principle to civil proceedings in which important state interests are involved."); Washington v. Cnty. of Rockland, 373 F.3d 310, 318 (2d Cir. 2004) ("Younger abstention also has been extended beyond the ambit of state criminal prosecutions to state civil proceedings and administrative proceedings.").